

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Watkins, Charles M.

(b) County of Residence of First Listed Plaintiff **Berks**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bellwoar Kelly LLP, Andrew J. Bellwoar, Esq.,  
126 W Miner St #1, West Chester, PA 19382  
(610) 314-7066

**DEFENDANTS**

Pennsylvania State Police, Tpr. Reiter, John  
Pennsylvania State Police, Tpr. Fischer, Nicholas

County of Residence of First Listed Defendant **Berks**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 U.S.C. § 1983 and § 1988

Brief description of cause:  
Violation of U.S. Constitutional Rights

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/30/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CHARLES M. WATKINS

VS

JOHN REITER

And

NICHOLAS FISCHER

JURY TRIAL DEMANDED

### COMPLAINT

1. CHARLES M. WATKINS brings this lawsuit under 42 U.S.C Section 1893 to redress the harm caused to him by two Pennsylvania State Troopers (John Reiter and Nicholas Fischer).

### PARTIES

2. Charles Watkins ("Charles") is an adult individual who resides at 144 Orchard Road, Perry Township, Berks County, PA.
3. John Reiter ("Reiter") is an adult individual who at all relevant times was employed by the Commonwealth of Pennsylvania as a state trooper. Reiter is being sued in his individual capacity.
4. Nicholas Fischer ("Fischer") is an adult individual who at all relevant times was employed by the Commonwealth of Pennsylvania as a state trooper. Fischer is being sued in his individual capacity.

### JURISDICTION and VENUE

5. The acts described in this Complaint occurred in Berks County Pennsylvania, Plaintiff resides in the Eastern District of PA, the Defendants operated at all times under color of

state law, and this claim is brought pursuant to 42 U.S.C. Section 1983, thus jurisdiction and venue are proper in the Eastern District of Pennsylvania.

#### FACTS

6. On October 5, 2019, at approximately 4 PM, Reiter and Fischer were on duty, in uniform, and acting in their capacity as Pennsylvania State Troopers. Reiter and Fischer traveled to the private residence of Charles, and after knocking on his door, proceeded to question Charles.
7. Charles was, at that time, 79 years old. He had suffered a stroke a few years earlier, and still felt the effects of that stroke. Charles previously was a professor of philosophy at Kutztown University; he then went back to school and earned a law degree, practicing law up to about 5 years before the events of October 5, 2019.
8. When Reiter and Fischer came to Charles's door, he responded, and in due course asked the 2 troopers to leave his property. Charles then turned to go back inside his house.
9. Instead of leaving his property as requested, Reiter and Fischer assaulted Charles. Reiter grabbed Charles when Charles was inside the front door of his house and violently threw him to the ground. Fischer failed to intervene to stop Reiter, and in fact assisted Reiter.
10. As a result of this assault, Charles suffered a broken nose, fractured ribs, his glasses were broken, and the tendons in his arm were damaged, among other damages.
11. The 2 state troopers then filed false incident reports and false charges against Charles, all in an effort to cover up their wrongdoing.
12. Due to the falsehoods of Reiter and Fischer, Charles was arrested, had multiple charges lodged against him, and bail imposed on him. Charles was forced to hire a criminal defense attorney to represent him.
13. Then, compounding their misdeeds, Reiter testified at the preliminary hearing on the charges lodged against Charles, by repeating the lies he set forth in his incident report. Reiter lied under oath to the Court about what occurred at Charles's property.
14. There was no probable cause for the charges lodged against Charles.
15. The criminal charges were held for court based on the false testimony of Reiter, but eventually the District Attorney reviewed all the evidence, and determined that the

criminal charges against Charles related to Reiter and Fischer should be dismissed. The charges were dismissed.

COUNT 1 FALSE ARREST

16. Plaintiff incorporates by reference the allegations in the above paragraphs as if set forth fully herein.
17. Defendants each acted under color of state law, and in so doing caused the arrest and prosecution of Charles.
18. The charges had no basis in fact, and there was no probable cause for an arrest, and thus the Defendants acted in such a way as to violate the Fourth Amendment to the U.S. Constitution.
19. As a direct result of the illegal arrest and prosecution, Charles sustained the following damages: loss of liberty; out of pocket expenses including attorney fees to defend against baseless charges; and personal humiliation, mental anguish and suffering.
20. Defendants are further liable to Charles for presenting a false Affidavit of Probable Cause to the Court, and for that Defendants should be made to pay punitive damages.

WHEREFORE, judgment should be entered in favor of Plaintiff Charles Watkins and jointly and severally against Defendants for compensatory damages, punitive damages, attorney fees, pre-judgment interest and post-judgment interest and such other costs as the Court deems appropriate.

COUNT 2 MALICIOUS PROSECUTION

21. Plaintiff incorporates by reference the allegations in the above paragraphs as if set forth fully herein.
22. The false charges were prosecuted by the Defendants, in violation of Charles's Constitutional rights and this resulted in damages to Charles as aforesaid.

WHEREFORE, judgment should be entered in favor of Plaintiff Charles Watkins and jointly and severally against Defendants for compensatory damages, punitive damages, attorney fees, pre-judgment interest and post-judgment interest and such other costs as the Court deems appropriate.

COUNT 3 EXCESSIVE FORCE

23. Plaintiff incorporates by reference the allegations in the above paragraphs as if set forth fully herein.
24. The force used by Defendants was neither privileged nor reasonable, nor warranted, under the circumstances, in violation of Charles's Constitutional rights, and this resulted in physical and mental harm to Charles.

WHEREFORE, judgment should be entered in favor of Plaintiff Charles Watkins and jointly and severally against Defendants for compensatory damages, punitive damages, attorney fees, pre-judgment interest and post-judgment interest and such other costs as the Court deems appropriate, all in excess of \$150,000.00.

A handwritten signature in black ink, appearing to read 'A. Bellwoar', is written over a horizontal line.

Andrew Bellwoar, Esq  
Attorney for Charles Watkins

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